

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 31 OF 2007

Narayan Shakharam Ghagare & Ors.
Petitioners

...

V/s.

1. Brihanmumbai Mahanagarpalika
2. The State of Maharashtra
Respondents

...

None for the Petitioners

Mr. K.K. Singhvi, Senior Advocate, with Ms. Shobha Ajeet Kumar
for Respondent No. 1

Mr. K.R. Belosey, Government Pleader, for Respondent No. 2.

CORAM: J.N. PATEL AND
A.A. SAYED, JJ.

DATE: AUGUST 30, 2007

P.C.:-

1. This petition has been filed in public interest, expressing concern regarding the safety and security of the water pipelines which supply water to the City of Mumbai. The

grievance made by the petitioners is that the Municipal Corporation has failed to take necessary steps to maintain the water pipelines, which are the subject-matter of this petition, and have permitted encroachments, and, therefore, a writ in the nature of mandamus is sought against the respondents to forthwith remove the hutments / sheds / shanties / structures erected all along the pipelines and nearby vicinity.

2. Further amendment came to be made seeking an order of replacing of the old pipelines so as to assure pure and clean water to the City of Mumbai.

3. In response to the public interest litigation, affidavit-in-reply of Hydraulic Engineer, Hydraulic Department of respondent No. 1, has been filed. On going through the affidavit, we find that the Municipal Corporation has taken cognizance of the problems highlighted in the public interest litigation; and they have also stated steps which they propose to take as seen from the affidavit filed by respondent No. 1 through its Hydraulic Engineer.

We accept the contents of the affidavit as an undertaking given to this Court by the Municipal Corporation. We find that if these measures are implemented, there is no necessity for this Court to issue any Writ of Mandamus, order or direction.

4. Before we part with this public interest litigation, we may observe that the concerned Department should be vigilant for all times to come insofar as the water pipelines are concerned; and take not only curative but preventive measures, so that the area, where the water pipelines are laid, is not encroached.

5. With the above observations, we dispose of this public interest litigation accordingly.

6. Later on, Mr. Machhindra A. Patil, learned counsel for the petitioners, mentioned the matter. He argued the matter for ten minutes. Appearance of Mr. Patil be shown.

J.N. PATEL, J.

A.A. SAYED, J.